

REMARKS

Dependent Claims 12, 19-21 and 24 were objected to but would be allowable if rewritten in independent form. The subject matter of Claim 24 has been incorporated into independent Claim 10. Claim 24 has been canceled. Claim 10 should therefore be allowed. Claim 19 has been rewritten as an independent claim, including all the subject matter of Claim 10 from which it originally depended. Claim 19 should be allowed, as well as Claim 20 that depends from it. Claim 21 has been rewritten as an independent claim, including all the subject matter in original Claim 10. Consequently, Claim 21 should be allowed. Dependent Claims 11-18 and 22-23 depend, either directly or indirectly, from allowable Claim 10. Therefore, these claims should be allowed.

New Claims 25-28 have been added. Consideration of these new claims is respectfully requested. Claim 25 has the subject matter of canceled, dependent Claim 24. As indicated by the Examiner, the prior art fails to teach the claimed composition of weight percentages for the fly ash, water and at least first binder. Claim 26 is also an independent claim that includes the step of completing the wallboard and in which the composition is heated and, during the heating, the composition expands. As the Examiner indicated in finding that dependent Claims 19-21 were allowable, the prior art fails to teach such heating. In fact, the Costopoulos et al. patent (US 4,659,385) teaches away from this claimed feature in that the process of this prior art patent seeks not to use heat or hot water. Based on this patentable distinction, Claim 26 should be held allowable.

Claim 27 is the last, newly added independent claim. Claim 27 recites a method for making wallboard that includes combining at least fly ash, water and at least a first binder in providing a composition having a viscosity. Importantly, the method includes the step of controlling at least one of a first pump mechanism and a first valve device based on the monitored viscosity. The first pump mechanism or the first valve device is in communication with a first vessel which contains at least some of the first binder. None of the prior art, whether taken separately or in combination, disclose this aspect of Claim 27.

The patent to Betzner (US 4,842,786) describes a method for making a panel that includes monitoring the set of a composition. According to this patent, the set could be monitored by an operator or by means of a thin rod 60. Depending on the amount of pressure that the rod requires to penetrate the panel, the degree of set can be determined using an automatic device 64. Based on

this determination, a surfacing or embossing device can be moved up or down the length of a forming conveyor.

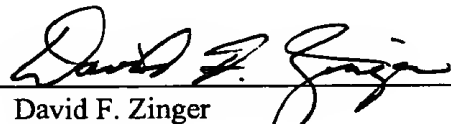
In contrast, the controlling step of Claim 27 requires controlling a pump mechanism or a valve device, not a movable surfacing or embossing device. Furthermore, a first vessel is provided that contains at least second portions of the first binder before it is combined with at least the fly ash. In contradistinction, the set monitored in the Betzner patent involves a composition after it is placed on a conveyor, not controlling a particular component (second portions of the at least first binder) of the composition before it is combined with fly ash. Additionally, the pump mechanism or valve device communicates with a first vessel, while no such communication is disclosed in the Betzner patent; instead, the composition is on a movable conveyor. These numerous differences emphasize the specific process of the present invention related to making wallboard, which is patentably distinct from that utilized by this prior art reference in connection with making an embossed panel. In view of such patentable subject matter, Claim 27, as well as its dependent Claim 28, should be considered and also found allowable.

Enclosed is a check in the amount of \$180 to cover the fee for the additional claims. Please credit any overpayment or debit any underpayment to Deposit Account No. 19-1970.

A sincere effort has been made to place the application in condition for allowance. Early notice of such allowance is, therefore, earnestly solicited.

Respectfully submitted,

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